THIRD ANNUAL DETLEV F. VAGTS ROUNDTABLE ON TRANSNATIONAL LAW: DATA PROTECTION IN A GLOBAL WORLD

This roundtable was convened at 11:00 a.m., Friday, April 6, 2018, with opening remarks by Lucinda Low, president of the American Society of International Law. After additional welcoming remarks by Karen Vagts, Paul Schwartz of the University of California introduced the participants: Kristina Irion of the University of Amsterdam Institute for Information Law; Hugh Stevenson of the Federal Trade Commission Office of International Affairs; Lisl Brunner of AT&T Services, Inc. Global Public Policy; and Kurt Wimmer of Covington & Burling LLP.

**INTRODUCTORY REMARKS BY LUCINDA LOW***

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Let me welcome all of you, on behalf of the Society. I am Lucinda Low, the president of the Society, and we are delighted to be here at the Third Annual Detlev F. Vagts Roundtable on Transnational Law. We have a fascinating topic that our panel today is going to explore, but first I want to say a few words. We are so delighted that the Vagts family came to us after Detlev’s death to carry on his work and thinking in the area of transnational law. He was a pioneer in so many ways, and did so much to develop the contours of the area of transnational law. We are very grateful to the family for their generous gift, which has enabled the Society to create this annual event.

This is a very special year of the Vagts Roundtable because we have not just one but both of Det’s daughters, Karen and Lydia Vagts, here with us today. Would you please both stand up and be recognized.

**REMARKS BY KAREN VAGTS**

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Thank you all for coming. Dad was the only lawyer in our small, tight-knit family, and we really did not know what he was about because at home he was very modest, but we knew every spring he was headed to wherever the ASIL conference was. After he passed, there were so many wonderful statements about him, and we realized what he was doing was important and what he was working on we would like to find some way to continue. We were eventually pointed to ASIL by particularly Peter Trooboff and Harold Koh, who will be conversing later today, and it made sense because this really was Dad’s community.

We tried to think of what might be appropriate and we figured out, with the assistance of the ASIL leadership, that it should be something about transnational law, business, and ethics. We also wanted it to have some practical aspect because even though Dad was an academic, he was very much shaped by his various work experiences. The idea of the roundtable came up, and while it focuses on the intersection of those three issues, the topic varies from year to year.

This year it is data, and did you know what was coming with some of the issues that have been in the news when you planned this, because it is very timely. What is interesting, when I think of what

* President of the American Society of International Law.
Dad might have thought about it, if you mine the data in the Google Ngram database, which scours Google books for words on a longitudinal basis, while collecting data is an ancient activity, the word was not really in common use until starting in the ‘50s and ‘60s, when Dad started his practice. He would not have discussed any of these types of issues using data, probably. I am not sure what he would think about it but he would know that it is very important to get a grip on this fascinating topic, which undoubtedly is going to be impacting all of your work in the years to come. We are looking forward to hearing what the roundtable discussion says.

Lucinda Low

Thank you very much, Karen, and let me just reinforce that a number of ASIL leaders, including, as Karen mentioned, Peter Trooboff and Harold Koh, as well as Hannah Buxbaum and Lori Damrosch, who have had a role in the roundtable, and Hannah, in fact, served as the 2017 convener and assisted in the planning of this year’s program.

I would also like to thank our convener for this year, Joel Reidenberg, of Fordham University School of Law, who did an excellent job of organizing the program but is not able to be with us in person today. But we have, as our moderator, Paul Schwartz and let me now introduce him. Paul is the Jefferson E. Peyser Professor of Law and Co-Director of the Center for Law and Technology at the University of California, Berkeley Boalt Hall School of Law. We are very grateful to him for taking on this important role, and it is now my pleasure to turn the proceedings over to him, to talk about data protection and the word “data” in a global world. Thank you.

Remarks by Paul Schwartz*

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Thank you so much, and I would also like to thank Lydia and Karen, and tell you that Kurt Wimmer told me that when he told his partners at Covington that he was going to speak here, just how many of them remembered Professor Vagts with such fondness, and just how the ripple effect of his life has been felt by so many. Thank you for being here and we are all very happy to remember Professor Vagts’ memory, and to cherish it with you.

Now it is my great pleasure to introduce Kristina Irion, assistant professor at the University of Amsterdam Institute for Information Law, who will be presenting her paper on situating privacy and data protection within trade laws, such an important topic.

Remarks by Kristina Irion†

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Hello to everyone. It is sometimes difficult to come from Europe and talk about a rather formalistic legal approach to data protection to a legal audience in the United States. I have to say when I read the Wall Street Journal at breakfast, it was a good moment. They are not going to rip me apart.

I am very happy and I am very thankful for the invitation to this Vagts Roundtable today. I am joining you from the University of Amsterdam, from the Institute for Information Law. For twenty-five years we have been doing—not me, personally, but many of us—research into the normative framework of information law that stretches various domains, and yes, this topic is getting increasingly important. I am specialized in privacy and data protection now, at the crossroads of international trade law.

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